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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,785	08/18/2000	William Bromley	1957.0010000	7346

7590

04/28/2003

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EXAMINER

BROADHEAD, BRIAN J

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 04/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/640,785

Applicant(s)

BROMLEY ET AL.

Examiner

Brian J. Broadhead

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4,6,9,10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,9,10 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12,14.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 3-1-01 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, 6, 9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle, 5815071, in view of Hapka, 5619412.

3. As per claims 1, 6, 9, and 12, Doyle discloses an onboard unit coupled to the data bus of the one or more vehicles (38); an application server which provides the user with a graphical user interface in order to send and receive data from each of the one or more vehicles(18); a repository database, accessible via the application server, which stored information related to the one or more vehicles on lines 55-56, on column 5; an onboard unit server, couple to the application server, which contains means to convert data between a format understandable by the user, and a format understandable by the onboard unit coupled to the data bus of the one or more vehicles lines 20-35, on column

6; a communication means, couple to the onboard unit server, for handling communications between the onboard unit server and the onboard units on the one or more vehicles (22); and the system allows fleet logistic by remote parameter changes, health tracking, and maintenance needs on lines 37-62, on column 2; receiving an acknowledgement from the onboard unit on lines 62-64, on column 3. Doyle does not disclose using a GUI, a CPU, and user I/O channel ports for receiving communication from the user, and using a second application program interface based on the SAE J1708 standard. Hapka teaches of using a personal computer which has a GUI on lines 60-67, on column 4; and using the J1708 standard on line 47, on column 7. Personal computers inherently have a CPU and I/O channel ports for receiving communication from the user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the personal computer and the J1708 bus of Hapka in the invention of Doyle because such modification would provide for a inexpensive central control station since personal computers are common and would remove the need to build a specialized computer system and also because the J1708 bus is a standard and allow the system to work with systems manufactured by several different vendors.

4. As per claim 2, Doyle discloses the vehicles include heavy trucks in figure 1.

5. As per claim 3, it is inherent that the format understandable by the onboard unit is binary. These are digital electronic systems and binary is the system used for digital computing.

6. Claims 4, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle, 5815071, in view of Hapka, 5619412, as applied to claim 4 and 9 above, and further in view of Apsell et al., 6292724.

7. Doyle and Hapka disclose all the limitations as set forth above. Doyle and Hapka do not disclose at least a first portion of the communication means includes the global internet. Apsell et al. teaches of using the internet in the communication means on lines 58, on column 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the internet in the communication means because the internet provides an inexpensive communication means.

### ***Response to Arguments***

1. Applicant's arguments filed 2-19-02 have been fully considered but they are not persuasive. The first argument deals with two way communication between the vehicle and the central control station. The assertion that Doyle does not disclose two way communication between the two is not convincing since on lines 15-18, on column 2, of Doyle it is very clearly stated that the invention includes two-way communication. The second argument that Doyle fails to disclose an onboard unit server that converts data understandable by a user to data understandable by an onboard unit. Doyle's invention is a fleet monitoring system whereby a central control station can monitor and change parameters of several vehicles. When the user at the central control station enters a command for some parameter of a vehicle to be changed, the data is going to be converted to some type of computer instruction that can be transmitted over the communication link. The third argument deals with the assertion that Doyle does not

disclose a system for "total fleet logistics". This argument is not convincing because the system of Doyle monitors the ECUs controlling the vehicles and can change operation parameters. "Total fleet logistics" includes in the claim vehicle health monitoring and vehicle maintenance need. Vehicle health monitoring and vehicle maintenance need are the same thing, Doyle monitors the operating parameters to determine any abnormalities in the vehicle which would indicate a problem. As per the final argument with respect to claims 4 and 10, the argument that Apsell et al. only discloses one way communication over the internet is irrelevant. Apsell et al. was cited to teach that the internet is a known communication medium for vehicle monitoring. Doyle had already been cited for providing a two-way communication medium.

### **Conclusion**

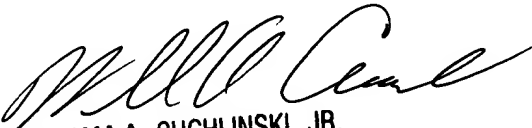
2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
WILLIAM A. CUCHLINSKI, JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

BJB  
April 23, 2003